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TO: U.S. Patent and Trademark Office
Examiner: Karen A. Lacourciere
Art Unit: 1635

DATE: November 6, 2003

FROM: Barry M. Shuman

TIME:

TOTAL NO. OF PAGES, INCLUDING COVER: 3

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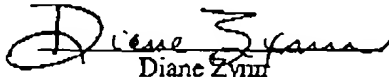
RE: U.S. Patent Application Serial No.: 09/920,342; Attorney Ref: 89188.0022

I hereby certify that the following document:

- Response to Restriction Requirement

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Patent Application No. 09/920,342
Attorney Docket No. 13761-0754 (89188.0022)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Shi-Lung Lin et al.

Serial No: 09/920,342

Filed: August 1, 2001

For: GENE SILENCING USING MRNA-CDNA
HYBRIDS

Art Unit: 1635

Examiner: Karen A. Lacourciere

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RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Non-Fee Amendment
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P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement dated October 8, 2003, Applicant elects for prosecution the claims of Group III, claims 32-45. In addition, Applicant provisionally elects the β -catenin species for prosecution on the merits. Claims 32-36 and 38-45 are readable on the elected species. Finally, Applicant notes that the election of the β -catenin species is with traverse.

The Examiner has required a restriction to a single species of target gene selected from β -catenin or bcl-2. This restriction requirement is traversed. Applicant believes that the restriction requirement does not comply with MPEP §803, because there would not exist a "a serious burden on the examiner if restriction is not required." The guidelines to MPEP §803 indicate that the *prima facie* of a serious burden may be shown by separate classification, or separate status in the art, or a different field of search. The Examiner failed to make such a showing.

Accordingly, the Examiner is respectfully requested to examine both β -catenin and bcl-2 target genes.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,

HOGAN & HARTSON L.L.P.

Date: November 6, 2003

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